

BEFORE THE BOARD OF SOCIAL WORK EXAMINERS

STATE OF IDAHO

In the Matter of the License of:)	
)	Case No. SWO-2005-7
HEIDI McBRIDE,)	
License No. LSW-2009,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW AND
Respondent.)	FINAL ORDER
)	

SWO\McBride\P50691ga

Having reviewed the documents and correspondence contained in the administrative file in this matter, the Idaho State Board of Social Work Examiners (the "Board") hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. Respondent Heidi McBride ("Respondent") is a duly licensed social worker in the State of Idaho holding License No. LSW-2009. Respondent's license expired on November 30, 2004, and Respondent's license was canceled as of December 1, 2004. Respondent has not renewed her license; however, pursuant to Idaho Code § 67-2614, Respondent retains the right to renew her license for up to five (5) years after cancellation by paying the required fees.

2. On or about April 2, 2004, the Board received information that Respondent, while owner, administrator and therapist for A Better Way Rehab, pleaded guilty in federal court to conspiring to defraud the government.

3. On October 18, 2004, a judgment was entered against Respondent for conspiracy to commit health care fraud, a felony, in violation of 18 U.S.C. § 371. A true and correct copy of the Amended Judgment in a Criminal Case in United States v. McBride, United States District Court for the District of Idaho Case No. CR-3-66-S-BLW, is attached hereto as Exhibit 1. As part of Respondent's 5-year probation in Case

No. CR-3-66-S-BLW, Respondent was ordered to participate in a program of testing and treatment for substance abuse, abstain from the use of any controlled substances, participate in a program of mental health treatment, and pay restitution in the amount of \$128,655.34.

4. On or about December 5, 2004, Respondent voluntarily surrendered her license, admitting to violations of the Social Work Licensing Act, title 54, chapter 32, Idaho Code. A true and correct copy of the voluntary surrender form signed by Respondent is attached hereto as Exhibit 2.

5. Respondent knowingly and freely waived her right to a hearing, and waived all rights granted to Respondent pursuant to the Administrative Procedures Act, chapter 52, title 67, Idaho Code.

CONCLUSIONS OF LAW

1. As a licensed social worker in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 32, Idaho Code, and the rules and regulations promulgated by the Board thereunder.

2. The allegations as set forth above, if proven, would constitute violations of the Social Work Licensing Act and rules of the Board and would constitute grounds for revocation or suspension of Respondent's license to practice social work pursuant to Idaho Code § 54-3211(1), (2), (3) and (6).

3. Respondent's voluntary surrender of licensure authorizes the Board to revoke or suspend Respondent's license without further process pursuant to Idaho Code § 54-3204(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, that License No. LSW-2209, including any renewal rights under Idaho Code § 67-2614, issued to Respondent Heidi McBride is hereby SUSPENDED for five (5) years from the date of this Order based upon

voluntary surrender.

It is further ordered that, at the conclusion of the five-year suspension period, Respondent will be eligible to apply to the Board for reinstatement of her license provided Respondent has completed the following conditions and can prove completion of the same:

1. Respondent shall provide the Board with certification from her probation officer and/or other appropriate court officer that she has complied with all conditions of her probation in Case No. CR-3-66-S-BLW and has successfully completed her probation.

2. Respondent shall provide the Board with a recent (within three months of application for reinstatement of license) comprehensive drug/alcohol evaluation completed by a licensed mental health care provider.

3. Respondent shall provide the Board with a thorough assessment from a licensed psychologist in Idaho holding at least a Ph.D. discussing Respondent's course of treatment, Respondent's prognosis, and an opinion as to whether Respondent is able to function independently and/or safely as a professional social worker in public or private practice. If the psychologist is of the opinion that Respondent is unable to function independently and/or safely as a social worker in public or private practice, Respondent shall be barred from practice until such time as an opinion is received stating that she may practice safely.

4. Respondent shall provide the Board with certification of completion or transcripts showing that she has satisfactorily completed a minimum of twenty (20) hours of coursework or seminars covering ethics. Respondent must receive prior approval by the Board as to both the sponsoring entity and seminar/coursework for which she is seeking credit.

5. Respondent shall pay investigative costs and attorney fees in the amount of Seven Hundred Fifty and No/100 Dollars (\$750.00).

6. Respondent shall execute a release of information allowing the Board to obtain access to any information it deems relevant to adequately assess Respondent's request for reinstatement.

7. Upon a showing of satisfactory completion of the requirements of Paragraphs 1 through 6 above and if approved by the Board, Respondent's license shall be reinstated by the Board on a supervised probationary basis for a period of two (2) years. The conditions of probation are as follows:

a. Both the supervisor and the site of the supervised practice must receive preapproval by the Board. Successful completion of this 2-year program of supervised practice will be a prerequisite to reinstatement of Respondent's license without restriction.

b. Respondent shall comply with all state, federal and local laws, rules and regulations governing the practice of social work in the State of Idaho.

c. Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

d. In the event Respondent should leave Idaho for three (3) continuous months, or to reside or practice outside of the state, Respondent must provide written notification to the Board of the dates of departure, address of intended residence or place of business, and indicate whether Respondent intends to return. Periods of time spent outside Idaho will not apply to the reduction of this period or excuse compliance with the terms of this Stipulation.

e. Respondent shall fully cooperate with the Board and its agents, and submit any documents or other information within a reasonable time after a request is made for such documents or information.

8. If, during the two-year supervised probationary period, Respondent appears before the Board because of conduct which, if proven, is cause for disciplinary action against her license, Respondent's license shall then and thereby be revoked.

9. At the conclusion of the two-year supervised probationary period, Respondent may request from the Board termination of the conditions of probation. Any request for termination of probation must be accompanied by written proof of compliance with the terms of probation.

This order is effective immediately.

DATED this 4 day of April, 2005.

IDAHO STATE BOARD OF
SOCIAL WORK EXAMINERS

By 
Robert Payne, Chair

NOTICE OF DUE PROCESS RIGHTS

NOTE: THIS NOTICE IS PROVIDED SOLEY FOR COMPLIANCE WITH IDAHO CODE § 67-5248, AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

This is a final order of the Board. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- a. A hearing was held,
- b. The final Board action was taken,
- c. The party seeking review of the order, resides, or
- d. The real property or personal property that was the subject of the Board action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on this 4TH day of April, 2005, I caused to be served a true and correct copy of the foregoing by the following method to:

Heidi McBride
461 14th Street, #14
Heyburn, ID 83336

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Stephanie N. Guyon
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail


Rayola Jacobsen, Chief
Bureau of Occupational Licenses

UNITED STATES DISTRICT COURT

District of

Idaho

UNITED STATES OF AMERICA

V.

Heidi Joy McBride

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 1:03CR00003 UNITED STATES COURTS

USM Number: 12005-023 DISTRICT OF IDAHO

Teresa Hampton

Defendant's Attorney

OCT 20 2004

Date of Original Judgment: 10/18/2004

(Or Date of Last Amended Judgment)

Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
☒ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

- ☐ Modification of Supervision Conditions (18 U.S.C. §§ 3583(c) or 3583(e))
☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
☐ Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
☐ Direct Motion to District Court Pursuant ☐ 28 U.S.C. § 2255 or ☐ 18 U.S.C. § 3559(c)(7)
☐ Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

☒ pleaded guilty to count(s) one of the indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 § 371	Conspiracy to Commit Health Care Fraud	12/31/2002	1

The defendant is sentenced as provided in pages 2 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☒ Count(s) 2 through 26 ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/18/2004

Date of Imposition of Judgment

Signature of Judge

B. Lynn Whinnill, United States District Judge

Name and Title of Judge

Date

10/20/2004

Certified to be a true and correct copy of original filed in my office.

Cameron S. Burke, Clerk
U. S. Courts, District of Idaho

By:

Deputy

Date

Certified to be a true and correct copy of original filed in my office.

Cameron S. Burke, Clerk
United States Courts, District of Idaho

By:

Deputy

Date

Exhibit 1

Page 1 of 5

DEFENDANT: Heidi Joy McBride
CASE NUMBER: 1:03CR00066-001

PROBATION

The defendant is hereby sentenced to probation for a term of: 5 years

Court finds that the defendant poses a high risk of future substance abuse such that mandatory drug testing is ordered pursuant to 18 U.S.C. section 3563(a)(5) or 3583(d).

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)

☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Heidi Joy McBride
CASE NUMBER: 1:03CR00066-001

SPECIAL CONDITIONS OF PROBATION

- 1) Defendant shall comply with the rules and regulations of the Probation Department.
- 2) Defendant shall pay special assessment and restitution that is imposed by this judgement and that remains unpaid at the commencement of probation as a condition of probation. Payments to be on a monthly payment scheduled to be established and may be periodically modified by the probation officer, provided the entire financial penalty is paid no later than the termination of term of supervised release. Payments to be made to Clerk of the Court, District of Idaho, 550 W. Fort St., MSC 039, Boise, ID 83724. The court will, with the assistance of the probation officer, review the defendant's financial circumstances and determine an appropriate payment schedule. The payment schedule will be regularly reviewed by the court and may be modified depending on the defendant's ability to pay. Clerk shall disburse restitution payments to the victim(s).
- 3) Defendant shall provide the probation officer with access to any requested financial information. Defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the installment payment schedule.
- 4) Defendant shall not possess a firearm or other dangerous weapon.
- 5) Defendant shall submit to a search of her person, place of residence, or automobile at the direction of the U.S. Probation Officer and submit to seizure of any contraband found therein.
- 6) Defendant shall participate in a program of testing and treatment for substance abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. Defendant shall abstain from the use of any controlled substances, unless prescribed by a physician and used in accordance to the prescription. Cost of treatment and testing shall be paid by both the government and the defendant in monthly payments as arranged by the probation officer.
- 7) Defendant shall participate in a program of mental health treatment, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. Cost of treatment shall be paid by both the government and the defendant in monthly payments as arranged by the probation officer.
- ***8) Defendant shall be placed on home detention for a period of 6 months. During this time, the defendant shall remain at her place of residence except for employment and other activities approved in advance by the probation officer. Defendant shall maintain a telephone at his place of residence without any special services, modems, answering machines, or cordless telephones for the above period. Defendant shall wear an electronic device and shall observe the rules specified by the Probation Department. **Cost of electronic monitoring shall be paid by the defendant in monthly payments as arranged by the probation officer.**

Special conditions of probation shall supersede any standard condition that is inconsistent with the special conditions.

DEFENDANT: Heidi Joy McBride
 CASE NUMBER: 1:03CR00066-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ waived	\$ 128,655.34

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(l), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Medicaid Fraud Unit 450 W. State Street Boise, ID 83702		\$128,655.34	

TOTALS \$ _____ \$ 128,655.34

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

Exhibit 1
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DEFENDANT: Heidi Joy McBride
CASE NUMBER: 03CR00066-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☐ Lump sum payment of \$ _____ due immediately, balance due
☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
\$100 special assessment is due immediately. \$128,655.34 restitution is due immediately. Payments to be made to Clerk of the Court, District of Idaho, 550 W. Fort St., MSC 039, Boise, ID 83724. Clerk shall disburse restitution to the victim(s).

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

VOLUNTARY SURRENDER OF LICENSURE

I, HEIDI JOY MCBRIDE, hereby voluntarily surrender my license to practice as a social worker in the State of Idaho. I agree and consent that the surrender of my license to practice as a social worker is done without an order, order to show cause, hearing, or any other proceeding compelling its surrender. In view of my alleged failure to comply with the Social Work Licensing Act, title 54, chapter 32, Idaho Code, and the rules promulgated by the Idaho State Board of Social Work Examiners ("Board"), and as an indication of my good faith in desiring to remedy any incorrect or unlawful practices on my part, I voluntarily surrender my license to practice as a social worker.

I understand that I have the right to a hearing, the right to confront and cross-examine witnesses, the right to present evidence and testimony on my behalf, the right to appeal and all other rights accorded to me by the Idaho Administrative Procedures Act, title 67, chapter 52, Idaho Code, and the laws and rules governing the practice of social work, title 54, chapter 32, Idaho Code. I hereby freely and knowingly waive these rights without further process as a resolution of any claims or allegations which might otherwise be brought against me by the Board.

I acknowledge that in surrendering my license to practice as a social worker, I am not making any admissions; however, I specifically waive the right to contest this relinquishment in any subsequent proceeding. I acknowledge that the Board has jurisdiction to proceed against my license pursuant to Idaho Code § 54-3204. I understand that, pursuant to Idaho Code § 54-3211, the Board will enter an order either revoking or suspending my license to practice as a social worker based upon my voluntary surrender of my license.

I understand and acknowledge that by surrendering my license to practice as a social worker all of the privileges associated with it are hereby surrendered, until such time as I am again properly licensed.

I understand that to regain a license to practice as a social worker in the State of Idaho, I must re-apply to the Board pursuant to the provisions of title 54, chapter 32, Idaho Code, and all applicable rules and orders entered against me by the Board.

I waive refund of any payments made by me in connection with my license under the Idaho Social Work Licensing Act and any rules promulgated thereunder.

Name of Licensee: Heidi Joy McBride License No.: LSW-2209
Address of Licensee: 4601 14th Street #14 Myburn, ID 83336
streetcityzip
Signature of Licensee or Authorized Individual: Heidi McBride
Date: 12/5/04
Signature of Witness: Queen L. McBride Date: 12/5/04

1
1
Exhibit 2
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